

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AIXA MARIE SANTIAGO-TORRES	CIVIL ACTION
vs.	
THE KELLOGG COMPANY d/b/a KELLOGG'S AND JOHN DOE, UNIDENTIFIED PERSON OR BUSINESS ENTITY/OWNER/ OPERATOR OF COMPANY THAT LOADED ITEMS THAT INJURED PLAINTIFF AS DESCRIBED HEREIN	NO.

PETITION FOR REMOVAL

TO: CLERK OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA

Defendant, Kellogg Company i/d/a The Kellogg Company d/b/a Kellogg's, by and through its attorneys, Mintzer, Sarowitz, Zeris, Ledva & Meyers, LLP, hereby removes the above captioned case to this Honorable Court and provides notice of same to Counsel representing Plaintiff. In support of this Notice of Removal, the Defendant avers as follows:

1. The Plaintiff commenced this action by filing a Complaint in the Court of Common Pleas of Philadelphia County on June 30, 2022. A true and correct copy of the Complaint is attached hereto as Exhibit "A."
2. As provided by 28 U.S.C. &1446(b)(1), the instant Notice is being filed on July 21, 2022. Thus the instant Notice of Removal is timely filed from the date that Plaintiff provided proper notice of the allegations against the Defendant.
3. By the allegations in the Complaint, the parties are diverse for the purposes of Section 1332.
4. Plaintiff resides at 454 West King Street, Apt. 2, Lancaster, Pennsylvania, 17603.

5. Defendant, Kellogg Company, is a Delaware Corporation with its principal place of business at One Kellogg Square, Battle Creek, Michigan, 49016.

6. There is a John Doe Defendant named but that Defendant is not identified by name or address.

7. The Complaint seeks damages for injuries which are alleged to be painful and severe, including: left arm, shoulder and elbow strain, left shoulder rotator cuff syndrome, left shoulder and left elbow contusion and a left shoulder superior labrum anterior and posterior (SLAP) tear. Plaintiff apparently underwent surgery to treat her injuries.

8. The Complaint specifies that it seeks damages in excess of jurisdictional limits of the Philadelphia Court of Common Pleas Arbitration Program and it is believed that Plaintiff is seeking recovery in an amount that qualifies this matter for removal under Section 1332.

WHEREFORE, the Moving Defendant respectfully requests that the above action now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, be removed to this Honorable Court.

**MINTZER, SAROWITZ, ZERIS, LEDVA
& MEYERS, LLP**

BY: Brian D. Boyle
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KELLOGG COMPANY d/b/a KELLOGG'S
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1500 Market Street, Suite 4100
Philadelphia, PA 19102
MSZL&M File No. 9020.0001

CERTIFICATE OF SERVICE

I, BRIAN D. BOYLE, ESQUIRE, hereby certify that true and correct copy of the attached **PETITION FOR REMOVAL** was served electronically on July 22, 2022, upon counsel as follows:

Jay L. Solnick, Esquire
SOLNICK & LEVIN, LLC
The Pavilion, Suite 718
261 Old York Road
Jenkintown PA 19046

Brian D. Boyle

BRIAN D. BOYLE, ESQUIRE